

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)
)

This Document Relates to:

ALL CASES

CASE MANAGEMENT ORDER # 27

ORDER APPOINTING ADDITIONAL LEAD COUNSEL FOR DEFENDANTS

HERNDON, Chief Judge:

The Court **APPOINTS** Joseph P. Thomas of the law firm Ulmer & Berne LLP, as Defendants' Co-Lead Counsel – representing Barr Laboratories, Inc., Teva Pharmaceuticals USA, Inc., and Barr Pharmaceuticals, LLC (formerly known as Barr Pharmaceuticals, Inc.) (“Barr and Teva Defendants”)

As Co-Lead Counsel – representing the Barr and Teva Defendants – Mr. Thomas shall Act as spokesperson for the Barr and Teva Defendants at pretrial proceedings, periodic Court noticed status conferences, and in response to any inquiries by the Court. In addition, Mr. Thomas shall:

(1) Initiate, coordinate, and conduct all pretrial discovery on behalf of The Barr and Teva Defendants in all actions which are consolidated with the instant multi-district litigation.

(2) Cause to be issued in the name of the Barr and Teva Defendants the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation.

(3) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of the Barr and Teva Defendants.

(4) Examine witnesses and introduce evidence at hearings behalf and for the benefit of the Barr and Teva Defendants.

(5) Perform other necessary administrative or logistic functions relating to the position of Co-Lead Counsel.

(6) Carry out any additional duty as ordered by the Court.

This appointment is of a personal nature. Accordingly, the above appointee cannot be substituted by other attorneys, including attorneys of the appointee's law firm, to perform the appointee's exclusive functions, such as committee meetings and court appearances, except with prior Court approval.

The Court instructs the Clerk of the Court to add Mr. Thomas as Co-Lead Defense Counsel, representing the Barr and Teva Defendants, in the Master Case File.¹ As to individual member actions, the Clerk of the Court shall apply

¹ As a result, Mr. Thomas will have the ability to file pleadings in the Master Case File and will receive a Notice of Electronic Filing from the Court when there is activity in the Master Case File. All Notices of Electronic Filing will be mailed to the primary and secondary (if any) e-mail addresses that Mr. Thomas registers with the Court via CM/ECF. It is counsel's responsibility to "register" primary and

2

the same procedures utilized for Lead and Liaison Counsel Adam L. Hoeflich, Terry Lueckenhoff, and John Galvin. Specifically, as Co-Lead Counsel representing the Barr and Teva Defendants, Mr. Thomas may file pleadings in individual member actions without first filing a Written Entry of Appearance in the relevant member action (as required pursuant to Local Rule 83.1(f)).² Once an answer or other responsive pleading is filed on behalf of a Barr or Teva Defendant in an individual member action, the Clerk of the Court will revise the docket in that member action to reflect that Mr. Thomas is Co-Lead Counsel for the Barr and/or Teva Defendant[s] in that member action. At that time, Mr. Thomas will begin receiving Notices of Electronic Filing when there is activity in that member action.³

SO ORDERED:

 David R. Herndon
2010.10.29
16:27:38 -05'00'

Chief Judge
United States District Court

DATE: October 29, 2010

secondary (if any) email addresses with the Court by entering the relevant email addresses in the attorney's User Account on CM/ECF.

² Additional counsel (i.e., counsel other than Mr. Thomas): Additional attorneys may file pleadings on behalf of Barr and/or Teva Defendants in individual member actions. However, the filing attorney (i.e., the attorney signing the pleading) must first file a Written Entry of Appearance in the individual member action in accord with Local Rule 83.1(f).

³ Again, Notices of Electronic Filing will be mailed to the primary and secondary (if any) email address that Mr. Thomas registers with the Court via CM/ECF.